IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4239 of 2006(E)

CRA.293/2003 of ADDL. SESSIONS JUDGE(ADHOC), FAST TRACK COURT NO.I, THRISSUR
CC.439/1999 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

REVN. PETITIONERS: APPELLANTS: ACCUSED 1 & 2:
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1. HANEEFA, S/O.ELAYAPRAMBIL ASSAINAR,
   PANCHAVADY BEACH, PUNNAYOOR VILLAGE,
   CHAVAKKAD TALUK, THRISSUR.

2. RASHEED, S/O.PUTHUVEETTIL SULAIMAN,
   NEAR PANCHAVADY TEMPLE, PUNNAYOOR VILLAGE,
   CHAVAKKAD TALUK, THRISSUR.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: RESPONDENT:COMPLAINANT:

STATE OF KERALA, (SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION, CRIME NO.29/1999
OF CHAVAKKAD POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

ADDL.RESPONDENTS 2 AND 3 IMPLEADED:

2. HYRUNNEESA, D/O.ABDU, PUNNAYOOR VILLAGE,
   CHAVAKKAD TALUK, THRISSUR.

3. ABHITHA, D/O.ABDU, PUNNAYOOR VILLAGE,
   CHAVAKKAD TALUK, THRISSUR.

ADDL.R2 AND R3 ARE IMPLEADED AS PER ORDER DATED 30.11.2006 ON CRL.M.APPL.NO.11898 OF 2006.

PUBLIC PROSECUTOR SRI.C.K.SURESH
BY ADV. SRI.S.U.NAZAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4239 OF 2006

Dated this the 30th day of November,2006

O R D E R

The petitioners were found guilty for the offences under Sections 341, 323, 447 and 354 of the Indian Penal Code and they were sentenced to undergo simple imprisonment for various terms by the trial court. On appeal, the Appellate Court confirmed the conviction and sentence.

2. Crl.M.Appl.No.11897 of 2006 was filed by the revision petitioners as well as Pws.1 and 2 seeking leave to compound the offence and that application was allowed.

In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioners are set aside and the petitioners are acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 11898 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application to implead respondents 2 and 3 herein as additional respondents 2 and 3 in the Criminal Revision Petition, they being the defacto complainant and another person who is injured. The application is allowed. Notice need not be issued to respondents 2 and 3 since they have already appeared and filed a petition for compounding.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 11897 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application filed under Section 320 (6) of the Code of Criminal Procedure, seeking leave to compound the offence. The petitioners were found guilty for the offences under Sections 341, 323, 447 and 354 of the Indian Penal Code. The application is signed by PWs.1 and 2, who are the injured. The second respondent is the defacto complainant. It is stated in the application that the matter is settled between the parties and that respondents 2 and 3 have no further grievance in the case. In the facts and circumstances of the case, leave is granted to compound the offence. The application is allowed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 11486 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application for condonation of the delay of eight days in filing the Revision. The judgment impugned in this Revision is dated 27.5.2006. The conviction and sentence imposed on the revision petitioners/accused were confirmed in the appeal. Therefore, they were entitled to get a free copy of the judgment of the Appellate Court under Section 363(1) of the Code of Criminal Procedure. Free copy of the judgment was issued on 7.7.2006. In view of the decision in **Ouso and others** v. **Cheekka and another** (Unnumbered Crl.R.P. Of 2006 against Crl.A.No.279 of 2005), there must be endorsement on the free copy as to when copy was ready, the date notified to receive the copy and

the date notified for delivery. Since the relevant endorsements are not there on the copy issued to the petitioners, it is not possible to compute the period of limitation and to find out the last date for filing the Revision. Hence, I hold that there is no delay in filing the Revision. The application is unnecessary and it is closed.

Registry shall number the Revision

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006